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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/792,041	03/03/2004	Sanford L. Britt	03-535-Z	4813

31718 7590 03/08/2006

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EXAMINER

RAEVIS, ROBERT R

ART UNIT	PAPER NUMBER
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2856

DATE MAILED: 03/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/792,041

Applicant(s)

BRITT, SANFORD L.

Examiner

Robert R. Raevis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 2-17-06, 1-24-06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-6 and 8-82 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3-6, 8-22, 54-82 is/are allowed.
- 6) ☐ Claim(s) 23,25-33,35,38-52 is/are rejected.
- 7) ☒ Claim(s) 24,34,36,37 and 53 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claims 23,25-30,35,38,42,43,47,51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dickinson et al, in view of Banu.

Dickinson's apparatus includes a removable clamp bands 5,6 that serve as a platform, the platform including structure 44 that is connected to a raising/lowering device 35. The platform includes attachment members 17 that engage the seals. Dickinson employs a trigger 41,42, which when pulled ("upward tug" on col. 4, line 41) results in the attachment members moving from a first position to a second position releasing the end seals.

Dickinson's members 17 are not clearly removable with respect to the seals.

As to claims 23,26,27,28,35,42,43,51, it would have been obvious to employ Banu's extended ends 14,15 with circular rings (visible in Fig. 8) to secure Dickinson's stoppers and lines 17 because Banu teaches that a ring may be inserted into a plug to secure a trigger line. It would have been obvious to employ removable rings (like a key chain) because ring must be removable in nature to permit for insertion of an item on that ring.

As to claim 25, note elastic member 31 in Figure 7 of Dickinson, the member holding the attachment members in the first position.

As to claims 29 and 30, the elastic member is both inside and outside the container.

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As to claim 38, the platform portion behind the container 2 cannot be seen in Figure 1, suggestive that the container encloses the platform "within the outer horizontal dimensions" as claimed.

As to claim 47, the material of construction of the container need only be such that it does not react with the material being sampled, suggestive of use of common plastic or metal.

As to claim 51, it would have been obvious to employ the same trigger system with different containers to both take/store a plurality of samples from a single sampling excursion to minimize the travel time in sample taking.

Claims 31-33,45,52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dickinson et al in view of Banu as applied to claims 23 and 51 above, and further in view of either Rosenblum or Numata et al.

As to claims 31-33,45, it would have been obvious to employ a cap 14 with a seal 30 as used in Rosenblum to seal Dickinson's container 2 because Rosenblum teaches that a longitudinally positioned cap and seal will effectively seal a sample container when desired. In the alternative, it would have been obvious to employ Numata's Teflon coated rubber stopper to seal Dickinson's container because Numata teaches (col. 19, lines 25-30) that a coated stopper will effectively seal a container. In addition, it would have been obvious to apply a cap to the same stopper because Numata teaches use of an aluminum cap to aid in sealing the stopper to that same container. Caps routinely

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employ many of a variety of connection type elements, including threads and bayonet mounts.

Claims 39-41,46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dickinson et al in view of Banu as applied to claim 23 above, and further in view of Numata et al.

As to claims 39-41, it would have been obvious to employ Numata's Teflon coated rubber stopper to seal Dickinson's container because Numata teaches (col. 19, lines 25-30) that a coated stopper will effectively seal a container.

As to claim 46, it would have been obvious to employ Numata's Teflon coated rubber material for Dickinson's stopper because Numata teaches (col. 19, lines 25-30) that a coated material will effectively seal a container. In addition, note that Dickinson's stoppers 13,14 have a flat upper surface that is indented into the stopper, suggestive that the stopper has a "membrane" in the stopper that *can* permit introduction of a needle.

Claims 44 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dickinson et al in view of Banu as applied to claim 23 above, and further in view of Niskin '012.

As to claim 44, it would have been obvious to employ a conically shaped seal because Niskin teaches (Figure 3) that conical seals provide for satisfactory plugging of a sampler.

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Claims 48-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dickinson et al in view of Banu as applied to claim 23 above, and further in view of Rosenblum.

As to claims 48-50, Rosenblum teaches (col. 4, lines 45-53) the desirability of removing samples from a few milliliters to several liters, suggestive of the claimed container dimensions/volumes.

As to Applicant's REMARKS, consider the following:

As to p. 41, lines 9-10; note that Dickinson's bands are "clamp" (col. 2, line 38) bands. They are *expressly* removable.

As to p. 41, lines 2-5; where are separate raising cable and cable sheath in claim 23? They are not in the claim.

As to p. 42, third paragraph; Dickinson's actuation of trigger moves members 17, and the members 17 removably the seals as per Banu's rings 14.

As to p. 42, last paragraph; how is this related to claims 29 and 30?

As to p. 43, para 5, the support of Dickinson is within outer horizontal dimensions much as that claimed.

Claims 24,34,36,37,53 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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Claim 36 was allowable for limitation "permeable" with remaining claim limitations.

Claims 54 and 80 are allowable for the same reason that claim 1 is allowable.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert R. Raevis whose telephone number is 571-272-2204. The examiner can normally be reached on Monday to Friday from 6:30am to 3:30pm. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Row

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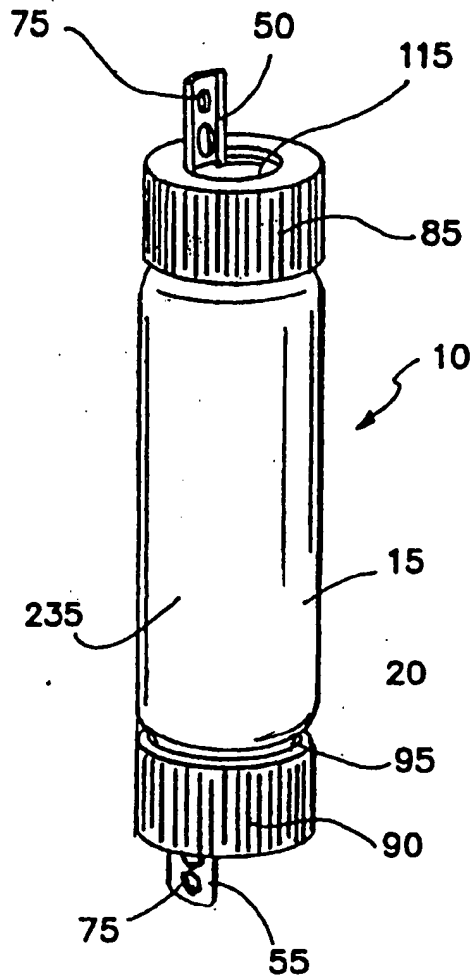


FIG. 1

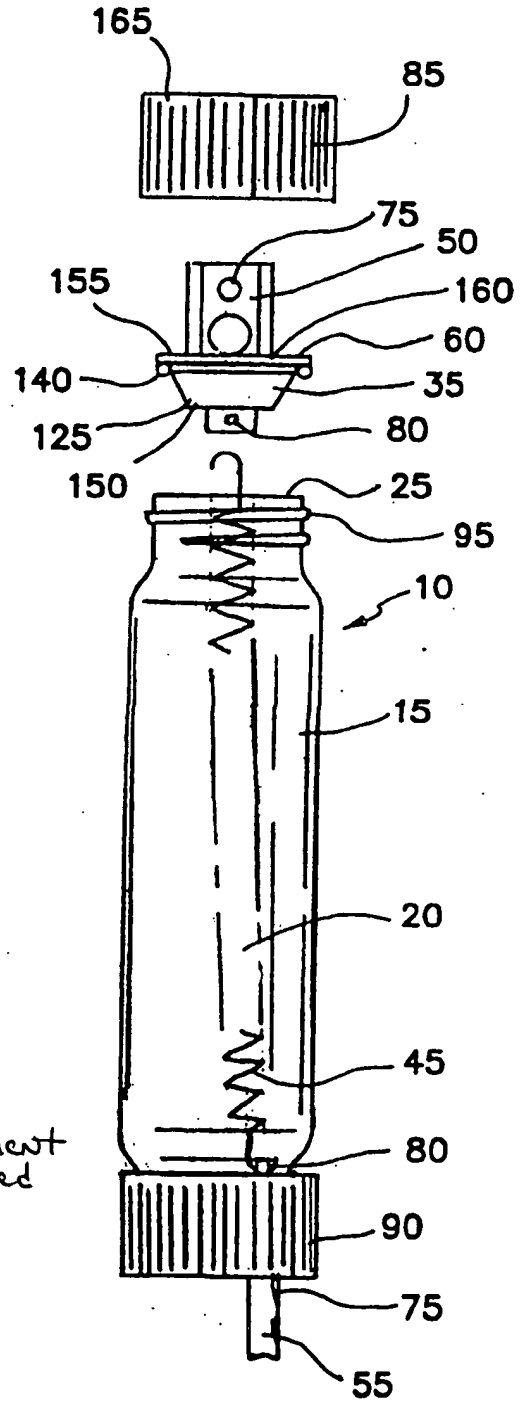


FIG. 2

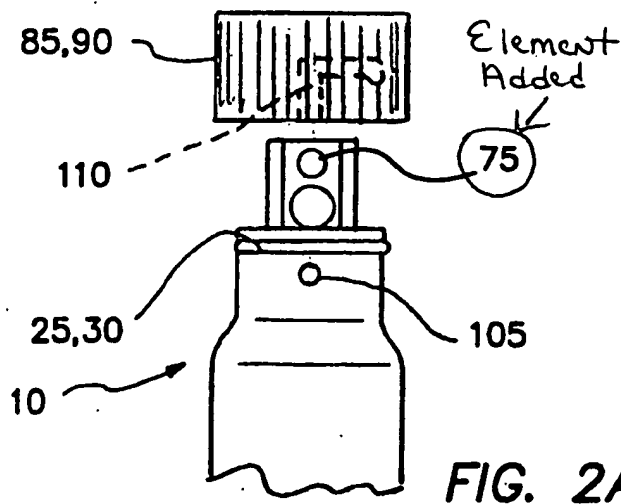


FIG. 2A

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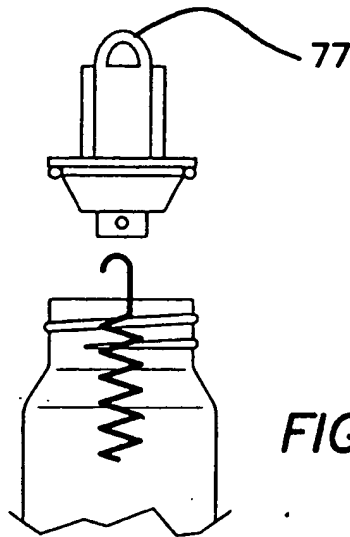


FIG. 2B

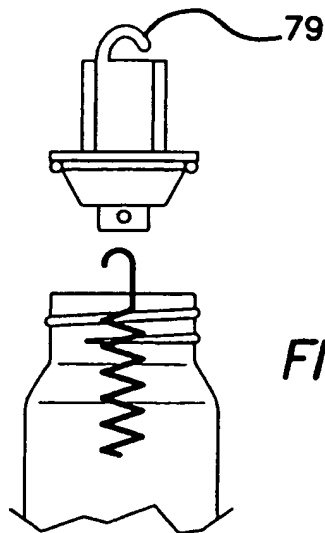


FIG. 2C